

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 6, 7, 9-23, 25-31, 33-38, 49, and 50 are pending in this application, Claims 1, 14, 22, 31, and 33-38 having been currently amended; Claims 49 and 50 having been currently added; and Claims 39-48 having canceled without prejudice or disclaimer. Support for amended Claims 1, 14, 22, 31, and 33-38 can be found, for example, in the original claims, drawings, and specification as originally filed.¹ No new matter has been added.

In the outstanding Office Action, Claims 14, 15, and 22 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-2, 6-7, 9-23, 25-31, and 33-38 were rejected under 35 U.S.C. § 101; Claims 1-2, 6-7, 9-17, 25, 27-28, 30, 33-34, and 36-37 were rejected under 35 U.S.C. § 102(b) as anticipated by Friz (U.S. Patent No. 5,786,994); Claims 18 and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Friz in view of Official Notice; Claims 19 and 21-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Friz in view of Lie “An Algorithm for Preventive Maintenance Policy;” Claim 26 was rejected under 35 U.S.C. § 103(a) as unpatentable over Friz in view of Babula; and Claims 31, 35, and 38 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ridolfo (U.S. Patent No. 6,735,549) in view of Friz and Mairs (U.S. Patent No. 5,874,960).

In response to the rejection of Claims 14-15 and 22 under 35 U.S.C. § 112, second paragraph, Applicants have amended the claims to correct the informalities noted in the outstanding Office Action. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

¹ See Figures 12A and 12B.

In response to the rejection of Claims 1-2, 6-7, 9-23, 25-31, and 33-38 under 35 U.S.C. § 101, Applicants have amended Claims 1, 31, and 33-38 in accordance with the suggestions set forth in the outstanding Office Action. Specifically, Claim 1 has been amended to clarify that the claim is directed to an apparatus, and is not directed towards software per se. In addition, Claim 33 has been amended to clarify that the method of managing medical equipment is tied to a particular device, and thus is statutory in view of the recent Federal Circuit case, *In re Bilski*.

Accordingly, Applicants respectfully request that the rejection of Claims 1-2, 6-7, 9-23, 25-31, and 33-38 under 35 U.S.C. § 101 be withdrawn.

In response to the rejection of Claims 1-2, 6-7, 9-17, 25, 27-28, 30, 33-34, and 36-37 under 35 U.S.C. § 102(b) as anticipated by Friz, Applicants respectfully submit that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied reference.

Amended independent Claim 1 is directed to a medical equipment management apparatus including, *inter alia*:

...a reception unit connected to the network, configured to receive parameter data from the medical equipment located in the medical facility;

a storage unit including a memory, connected to the network, configured to store the parameter data;

a prediction unit connected to the network, configured to calculate an expectancy of the parameter data, which is a parameter data value expected to be received in the future based on the stored parameter data;

a determination unit connected to the network, configured to determine a value of the expectancy based on the relation of the expectancy to a first predetermined threshold level and a second predetermined threshold level exceeding the first threshold level;

a second reception unit connected to the network configured to receive a reference request for the expectancy from a requester;

a providing unit connected to the network configured to allow the requester to refer to information of the expectancy based on the received reference request; and

an informing unit configured to issue a notification message via the network to a first address when the expectancy is determined to be between the first threshold level and the second threshold level and to a second address when the expectancy is determined to exceed the second threshold.

Independent Claims 31 and 33-38 recite substantially similar features as Claim 1.

Thus, the arguments presented below with respect to independent Claim 1 are also applicable to independent Claims 31 and 33-38.

Friz describes a system for monitoring performance conditions of a laser imager.² However, Friz fails to teach or suggest “a prediction unit connected to the network, configured to calculate an expectancy of the parameter data, which is a parameter data value expected to be received in the future based on the stored parameter data,” as recited in Applicants’ independent Claim 1.

Page 9 of the outstanding Office Action asserts that Figure 3 of Friz describes the above feature and states that “software (reads on ‘a prediction unit’) capable of communicating with the medical imaging system over modem (Figure 3 label 48) and predicting a future status of the medical imaging system based on the current data (Figure 3 label 54, 56).” Applicants respectfully disagree.

In Friz, reports are generated based on the frequency of errors of the laser imager, however, an expectancy of the parameter data which is a parameter data value expected to be received in the future based on a stored parameter data is not calculated. In other words, Friz merely keeps track of the frequency or number of errors that have occurred in the past and

² See column 1, at lines 6-9.

does not predict an expectancy based on the past number of errors. In contrast, in Applicants' Claim 1, an expectancy of the parameter data which is a parameter data value expected to be received in the future based on the stored parameter data is calculated, and it is the calculated expectancy of the parameter data which is compared to two threshold levels.

Friz also fails to teach or suggest "an informing unit configured to issue a notification message via the network to a first address when the expectancy is determined to be between the first threshold level and the second threshold level and to second address when the expectancy is determined to exceed the second threshold," as recited in Applicants' Claim 1. Page 24 of the outstanding Office Action asserts that the system in Friz "is capable of predicting when the user will be low and/or run out of media, and should be sent addition media refills. Similarly, Friz also teaches that the system is capable of anticipating conditions that could render the medical imaging system unusable."

However, columns 14 and 15 of Friz do not describe an expectancy of the parameter data, which is a parameter data value expected to be received in the future based on the stored parameter data, that is compared to two threshold levels. Column 15, lines 3-6 of Friz merely describes that over consecutive polling periods, a system 46 continuously compares the running media usage value to a threshold to determine whether the particular laser imager should be sent an additional amount of imaging media 22. However, Friz does not describe that a predicted expectancy value, which is a data value expected to be received in the future (i.e. an expected future media usage value), is compared to the threshold. In other words, in Friz, the current media usage value is compared to the threshold, a predicted future value is not compared to the threshold. Thus, Friz only describes that the frequency of the past errors are compared with a threshold.

In addition, in Applicants' Claim 1, the same expectancy of the parameter data is compared to a first threshold and a second threshold level. In contrast in Friz, two different

types of data are compared to different thresholds. The first type of data is a running media usage value that is compared to a threshold, and a second type of data is the frequency of each type of error for a particular laser imager, and this frequency data is compared to a threshold. Thus, in Friz, the same expectancy is not compared to the two thresholds. Hence, Friz fails to teach or suggest “an informing unit configured to issue a notification message via the network to a first address when *the expectancy* is determined to be between the first threshold level and the second threshold level and to a second address when *the expectancy* is determined to exceed the second threshold,” as recited in Claim 1.

Accordingly, Applicants respectfully submit that independent Claims 1, 31, and 33-38 patentably distinguish over Friz, and Applicants respectfully request that the rejection of Claims 1-2, 6-7, 9-17, 25, 27-28, 30, 33-34, and 36-37 under 35 U.S.C. § 102(b) as anticipated by Friz be withdrawn.

In regard to the rejections of dependent Claims 19, 21-23, and 26, Applicants respectfully submit that the Babula and Lie references fail to cure the above-noted deficiencies of Friz. Thus, Applicants respectfully submit that Claims 19, 21-23, and 26 are also patentable at the very least by virtue of their dependency. Accordingly, Applicants respectfully request the rejections of dependent Claims 19, 21-23, and 26 be withdrawn.

In regard to the rejection of Claims 31, 35, and 38 under 35 U.S.C. § 103(a) as unpatentable over Ridolfo in view of Friz and Mairs, Claims 31, 35, and 38 are believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that Ridolfo and Mairs fail to cure any of the above-noted deficiencies of Friz.

In order to vary the scope of protection recited in the claims, new Claims 49 and 50 are added. New Claims 49 and 50 find non-limiting support in the disclosure as originally filed, for example at page 35, line 32 to page 36, line 7; and in Figure 17.

Therefore, the changes to the claims are not believed to raise a question of new matter.³

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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³ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."